

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL D. McCROY,

Defendant.

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8:09CR272

ORDER

This matter is before the court on defendant's MOTION TO ENLARGE TIME TO FILE PRETRIAL MOTIONS [30]. Upon review of the file, the court finds an extension should be granted. Pretrial Motions shall be filed by September 19, 2009.

IT IS ORDERED:

1. Defendant's MOTION TO ENLARGE TIME TO FILE PRETRIAL MOTIONS [30] is granted. Pretrial motions shall be filed on or before **September 21, 2009**.
2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.
3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between August 20, 2009 and September 21, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 26th day of August, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**